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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,352	02/28/2002	Gianfranco Castrignano		6566

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CNH INTELLECTUAL PROPERTY LAW DEPARTMENT
CASE NEW HOLLAND INC.
P.O. BOX 1895
MS 641
NEW HOLLAND, PA 17557

EXAMINER

LUM, LEE S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/085,352

Applicant(s)

CASTRIGNANO, GIANFRANCO

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

1A. In the drawings:

a. Between figs 1, 2, 4 and 5, elements 4, 6 and 12 do not correspond to each other, nor with the spec. For example, the spec describes element 6 as a "support structure", but in fig 1, this element appears to be the same as element 12, in carriage 4 in the upper portion of the page, AND is an entirely different element in the carriage 4, bottom portion. However, in figs 4 and 5, the structure containing pin 30 is labeled "4", "6" AND "12".

b. Fig 2 is completely unclear, the reasons including the following. First, it is unclear what portion of the invention is being depicted. The depictions of pin portion 30 with a dotted line, and portion 38 in a solid line, are unclear. Second, the phantom positions of arm 22 are unclear because the invention does not appear to have the capability of assuming these positions. Specifically, the fork 12 does not allow the pin assembly to move as suggested by the phantom lines, but is stationary at the position depicted in solid lines.

c. Fig 3 is completely unclear, the reasons including: axis 10 does not agree with that in fig 1, and it is unclear why there appears to be more than one pin assembly in the carriage in the transverse direction (of the carriage and vehicle), and contrary to that depicted in fig 1.

d. Fig 6 is unclear, the reasons including: neither axis 10, nor forks 13/14, corresponds to those depicted in fig 1.

e. None of the figures depict the "first connecting device" permitting oscillation about axis 10 (emphasis added), as recited in Claim 1.

f. The structure of the "inner ring 47" cannot be discerned in the figures. Also, in figs 4-6, the element labeled "47" appears to be the "spherical head 48".

Art Unit: 3611

g. The structure of the "outer ring 45" cannot be discerned in the figures. In fig 6, the element labeled "45" appears to depict two different features, none of which appear to be an "outer ring".

h. The "slide" and "guide" as recited in Claim 7 cannot be identified in the figures.

Due to these issues, the invention is nearly incomprehensible with respect to the drawings. Every element, and its orientation with respect to other relevant elements, should be reviewed to ensure a correct, and intended depiction. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

1B. In the spec:

On p 7, first line, "articulated the joints 44" is unclear. In lines 3 and 4, "vary the length of the crossmember 18", and references to "length" in the next paragraph (26), are unclear because this feature simply does not appear viable given the structure of the invention. On the same page, paragraph 27, the "sliding connection of the inner ring 47" cannot be identified in the figures.

1C. In the Claims:

In Claim 1, the "first connecting device" is unclear because it is unknown how it permits oscillation of the carriage and frame with respect to the axis 10. In the last two lines, "for varying the length of said crossmember" is unclear because it (simply) is not possible to "vary the length" of a structural member (see paragraph 2 above).

In Claim 7, the "slide" and "guide" cannot be discerned in the spec or drawings.

Claim 11 is unclear.

In Claim 13, "difference" lacks antecedent basis.

Art Unit: 3611

In Claim 14, "three orthogonal planes" is unclear because neither the spec nor drawings support these elements.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. The prior art made of record, and not relied upon, is pertinent to this disclosure: Saton et al 6074023, Diekevers 5553931, Stevens et al 4834478,

3. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, M-F, 9-6. Our fax numbers are (703) 872-9326, 872-9327 for after-final comms, and 308-2571 for comms having given prior notice to the examiner. Any inquiry of a general nature, or relating to the status of this application/proceeding, should be directed to Customer Assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
7/21/03

